

REMARKS

The Examiner has rejected Claims 1, 3, 5-6, 10, 15-16, 19-20, 25-26, 34-39 and 41 under 35 U.S.C. 103(a) as being unpatentable over Doub (U.S. Patent No. 6,594,762), in view of Lunsford et al. (U.S. Patent No. 6,614,350), in view of Logan (U.S. Patent No. 6,631,271), and in further view of Smith (U.S. Patent No. 6,449,726). Further, the has rejected Claims 29, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Doub, in view of Lunsford, in view of Logan, in view of Smith, and in further view of Lenz (U.S. Patent Publication No. 2001/0053947). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove to the independent claims.

With respect to the independent claims, the Examiner has relied on Col. 1, line 50-Col. 2, line 16 from Smith to make a prior art showing of applicant's claimed technique "wherein the identifying signal includes information pertaining to a battery status of the device" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that the excerpt from Smith relied on by the Examiner merely discloses "maintaining information relating to battery life, metering periods of remote device use, and estimating remaining battery life from the periods of use and the information relating to battery life" (Col. 1, lines 51-57). However, when taken in context, it is clear that Smith only discloses "estimating the remaining battery life of a battery used in a remote device without consuming power from the remote device's battery to do so" (Col. 2, lines 17-20 – emphasis added) where "[a]n...advantage of the present invention is that the method can be implemented independently of a specific remote device" (Col. 2, lines 33-35 – emphasis added). Specifically, Smith teaches that "information associated with battery life can be stored...[the] information includ[ing] describing battery ratings, given in message units, for various battery types and brands 440" such that "a user can simply choose the battery type from a 'Battery Selection' menu 550" and "[b]y comparing the total message units received from the

remote device with the battery life statistics 460, the system can estimate when the battery will need to be replaced” (Col. 6, lines 15-19, 22-24, and 30-32 – emphasis added).

Accordingly, when read in context, Smith only discloses maintaining information relating to battery life where the information associated with battery life (including battery ratings, given in message units, for various battery types and brands 440) can be stored such that by comparing the total message units received from the remote device with the battery life statistics, the system can estimate when the battery will need to be replaced. In fact, Smith even discloses that an advantage of the present invention is that the method can be implemented independently of a specific remote device, as noted above. To this end, Smith’s disclosure of comparing the total message units received from the remote device with battery life statistics given for various battery types and brands in order to estimate remaining battery life, where the method can be implemented independently of a specific remote device, as in Smith, does not meet, and even *teaches away* from, applicant’s claimed technique “wherein the identifying signal includes information pertaining to a battery status of the device” especially since “the device is configured to periodically send [the] identifying signal [including information pertaining to a battery status of the device] to the control unit” (emphasis added), in the context claimed. Simply nowhere does Smith even suggest that “the device is configured to periodically send an identifying signal [including information pertaining to a battery status of the device] to the control unit” (emphasis added), in the context claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has amended the independent claims to further distinguish applicant's claim language from the prior art references relied on by the Examiner.

In particular, applicant has incorporated the following into the independent claims:

“wherein a range of communications of the first Bluetooth-enabled device is set to match a range of communications of the second Bluetooth-enabled device for avoiding signals of a first range from being received by the second Bluetooth-enabled device from the first Bluetooth-enabled device when the range of communications of the second Bluetooth-enabled device is not large enough to enable a return signal to be sent from the second Bluetooth-enabled device to the first Bluetooth-enabled device” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that simply nowhere in the prior art reference excerpts relied on by the Examiner is there any specific teaching that “a range of communications of the first Bluetooth-enabled device is set to match a range of communications of the second Bluetooth-enabled device **for avoiding signals of a first range from being received by the second Bluetooth-enabled device from the first Bluetooth-enabled device when the range of communications of the second Bluetooth-enabled device is not large enough to enable a return signal to be sent from the second Bluetooth-enabled device to the first Bluetooth-enabled device**” (emphasis added), as claimed.

Additionally, applicant has incorporated the following into the independent claims:

“wherein the handheld security system is operable such that the list of lost or stolen devices is maintained on a website for allowing a potential buyer of the device to determine whether the device is included in the list of lost or stolen devices” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Col. 10, lines 45-62 of Henrie, as relied on by the Examiner to meet applicant’s claimed “list of lost or stolen devices” in former dependent Claim 40 only discloses that “[t]he user can report the loss or recovery to Web site 40” such that “when the device is lost or stolen, the user accesses the account set up for portable computer system 100 at Web site 40 and enables the security features of the present invention by clicking on an input box to indicate that portable computer system 100 is lost or stolen” such that “[w]hen the device is recovered, the user accesses the account at Web site 40 and disables the security features of the present invention by clicking on the input box, thereby indicating that portable computer system 100 is no longer lost or stolen” (emphasis added).

However, simply allowing a user to report the loss or recovery of a device to a website such that the user may enable security features to indicate that the device is stolen and such that the user may disable the security features to indicate that the device is no longer lost or stolen, as in Henrie, fails to even suggest that “the handheld security system is operable such that the list of lost or stolen devices is maintained on a website for allowing a potential buyer of the device to determine whether the device is included in the list of lost or stolen devices” (emphasis added), as claimed.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Thus, a

notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 39, the Examiner has relied on Col. 7, lines 7-20 from the Logan reference to make a prior art showing of applicant's claimed technique "wherein the control unit is a wrist-worn device."

Applicant respectfully asserts that "[t]he action taken when a give rule is satisfied can take numerous forms. In the foregoing example, the user can be notified by a actuating a suitable alarm on a device known to be with the user (e.g., by causing her watch it sound an audible alarm or to vibrate.)." However, simply actuating an alarm on a watch to notify a user, as in Logan, fails to even suggest that "the control unit is a wrist-worn device" where "the device is registered with the control unit such that the device cooperates with the control unit using Bluetooth communications to determine when the device is within the range of communications of the control unit, wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional," etc. (emphasis added), in the context claimed by applicant (see independent Claim 1 for context).

Specifically, Logan only discloses a watch that actuates the alarm when a rule is satisfied, and that "the user can define a rule which states that, if the watch is within the range of the car during business hours on Monday through Friday, and further if either the cell phone or the briefcase are not in the vicinity of the car at that time, the user should be alerted" (Col. 6, lines 62-66 – emphasis added). Thus, Logan does not disclose a wrist-worn device as a control unit, in the context claimed by applicant.

Again, since the third element of the *prima facie* case of obviousness has not been met, as noted above, a notice of allowance or a proper prior art showing of all of

applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 42-43 below, which are added for full consideration:

“wherein the control unit is the wrist-worn device for effectively ensuring that the control unit stays with the owner” (see Claim 42); and

“wherein the handheld security system is operable such that the device is registered with multiple separate control units” (see Claim 43).

Again, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP312).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100